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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,353	08/29/2001	David Bennett	00-2151	8914

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ALCOA INC
ALCOA TECHNICAL CENTER
100 TECHNICAL DRIVE
ALCOA CENTER, PA 15069-0001

EXAMINER

WATKINS III, WILLIAM P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,353

Applicant(s)

BENNETT ET AL.

Examiner

William P. Watkins III

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-16, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 1772

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-16 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ringle (WO 97/31783) in view of Walls et al. (U.S. 5,368,974) or Uhlig (U.S. 3,220,832) further in view of West et al. (U.S. 5,759,742) and Vermeersch et al. (U.S. 6,165,689).

Ringle teaches a micro inch range surface roughness on an aluminum sheet in order to enhance the ability to hold lithographic coatings (abstract). Uhlig teaches the use of a acrylic/polyvinyl phosphonic acid copolymer as a coating for a lithographic plate (col. 2, lines 15-45) on a roughened aluminum plate (column 3, lines 70-75). Walls et al. teaches a similar barrier coating along with an image forming layer over the barrier coating (abstract). Vermeersch et al. teaches the use

Art Unit: 1772

of various particles such as silica, titanium dioxide, and alumina to increase the mechanical strength and porosity of hydrophilic binder layers (col. 5, lines 5-40) with particles sizes greater than .1 micron in diameter. West et al. teaches steel, plastic and aluminum support layers for lithography plates (col. 5, lines 55-65). The instant invention claims the use of an acrylic/polyvinyl phosphonic acid coating over a surface roughened in the micro inch range. It would have been obvious to one of ordinary skill in the art to have formed a phosphonic acid coating over the roughened surface of Ringle in order to provide a barrier and/or hydrophilic coating because of the teachings of Uhlig or Walls et al. The instant invention further claims a polymer layer with particles coated on different steel and polymer substrates. It would further have been obvious to one of ordinary skill of in the art to have added particles to the polymer layers of Ringle as modified above in order to enhance the strength and porosity of the polymer layers because of the teachings of Vermeersch et al. It still further would have been obvious to use steel and polymer substrates in the lithography plate of Ringle as modified above in order to select the most economical substrate for a given application because West et al. teaches steel and polymer

Art Unit: 1772

substrates as suitable for lithography plates. The weight percent particles taught by Vermeersch et al. is taken as being that required to achieve the taught increased strength and porosity and is taken as over lapping applicant's broad claimed range absent unexpected results.

3. Applicant's arguments filed 27 June 2003 have been fully considered but they are not persuasive.

Applicant argues that Vermeersch et al. teaches use of a silica additive only on a smooth plastic substrate. As noted in the Example of Vermeersch et al., a roughened aluminum substrate can be used to support a hydrophilic layer of polyvinyl acid layer in a similar manner to the hydrophilic layers used with the plastic and paper substrates of Vermeersch. It would have been obvious to one of ordinary skill in the art to use a particle filler in any hydrophilic layer of Vermeersch in order to enhance the strength of the hydrophilic layer regardless of the substrate used. Applicant also argues that the claimed particle weight percent range is not taught by Vermeersch et al. The weight percent particles taught by Vermeersch et al. is taken as being that required to achieve the taught increased strength and porosity and is taken as over lapping applicant's

Art Unit: 1772

broad claimed range absent unexpected results. Applicant also argues that the roughened surface of Ringle et al. teaches away from combination with Uhlig. This is not found persuasive because Uhlig also teaches a roughened aluminum substrate in Example 1.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1772

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 703-308-2420. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



WW/ww

September 22, 2003

**WILLIAM P. WATKINS III
PRIMARY EXAMINER**